

1/7/2019 6:18 PM

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-18-006623  
Terri Juarez

NO. D-1-GN-18-006623

SCARLETT LEWIS,

*Plaintiff,*

v.

ALEX E. JONES, INFOWARS, LLC,  
and FREE SPEECH SYSTEMS, LLC,

*Defendants*

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

98th JUDICIAL DISTRICT

### **DEFENDANTS' FIRST AMENDED ANSWER**

COME NOW, Defendants Alex Jones, Infowars, LLC, and Free Speech Systems, LLC (collectively, the "Defendants"), hereby file this their First Amended Answer and show the Court the following:

#### **I.**

#### **GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny each and every, all and singular, the material allegations contained in Plaintiff's Original Petition and demand strict proof thereof by a preponderance of the evidence.

#### **II.**

#### **AFFIRMATIVE AND OTHER DEFENSES**

Pursuant to Rule 94 of the Texas Rules of Civil Procedure, Defendants plead the following:

2.01 For further answer if need be, Defendants allege that Plaintiff's claims are barred by the Statute of Limitations.

2.02 For further answer if need be, Defendants allege that Plaintiff's claims are

barred because the gravamen of Plaintiff's claims is defamation that, though without merit and now time barred, is a recognized tort in Texas. Accordingly, IIED as only a "gap-filler" tort is not available.

2.03 For further answer if need be, Defendants allege that Plaintiff's claims are barred by the First Amendment to the United States' Constitution and Article 1, Section 8 of the Texas Constitution because Defendants' speech related to matters of public concern.

2.04 For further answer if need be, Defendants allege that because Plaintiff admits that none of Defendants' alleged conduct was directed at her or intended to harm her but was instead allegedly directed at others, Plaintiff's claims are barred because she was not a bystander under the law.

2.05 For further answer if need be, Defendants allege that Plaintiff's claims are barred by the Texas Citizens Participation Act. Such defense and evidence is further set forth in Exhibit 1 attached hereto and is fully incorporated herein for all purposes as if set forth verbatim.

### **III.**

#### **RELIEF REQUESTED**

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff take nothing by her suit and that Defendants be allowed to go hence without day and with all costs and that the Court grant such other and further relief, both at law or in equity, to which Defendants may prove themselves to be justly entitled and for which they will ever pray.

MARK C. ENOCH, P.C.

/s/ Mark C. Enoch

Mark C. Enoch

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ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties listed below via efile.txcourts.gov's e-service system on January 7, 2019:

Mark D. Bankston

Kyle W. Farrar

William R. Ogden

Kaster, Lynch, Farrar & Ball, LLP.

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/s/ Mark C. Enoch

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